

1 STEVEN B. WOLFSON
 2 District Attorney
 3 CIVIL DIVISION
 4 Nevada Bar No. 1565
 5 By: JOEL K. BROWNING
 6 Deputy District Attorney
 7 Nevada Bar No. 14489
 8 By: TIMOTHY ALLEN
 9 Deputy District Attorney
 Nevada Bar No. 14818
 500 South Grand Central Pkwy., Suite 5075
 Las Vegas, Nevada 89155-2215
 Telephone (702) 455-4761
 Fax (702) 382-5178
 E-Mail: Joel.Browning@ClarkCountyDA.com
Timothy.Allen@clarkcountyda.com
Attorneys for Clark County

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 WESTERN WATERSHEDS PROJECT,)
 Plaintiff,)
 13 v.)
 14 DOUG BURGUM, in his capacity as)
 Secretary of the Interior,¹; U.S. FISH AND)
 15 WILDLIFE SERVICE; and CLARK COUNTY,)
 NEVADA,)
 16
 Defendants.)
 17
 18

Case No: 2:23-cv-02009-GMN-EJY

PROPOSED STIPULATION AND
ORDER TO PERMIT CLARK
COUNTY TO FILE AN AMICUS
BRIEF

19 Pursuant to discussions in a meet-and-confer conference held between the parties on or
 20 around April 3, 2025, on a scheduling order and discovery plan in this matter, Federal
 21 Defendants U.S. FISH AND WILDLIFE SERVICE and Doug Burgum, in his official capacity
 22 as Secretary of the Interior (hereinafter collectively “Federal Defendants”), by and through
 23 their counsel of record Devon Lea Flanagan, Esq. of the U.S. Department of Justice, former
 24 Defendant CLARK COUNTY, by and through its counsel of record, Joel K. Browning, Esq.
 25 of the Clark County District Attorney’s Office, and Plaintiff WESTERN WATERSHEDS
 26

27
 28 ¹ Pursuant to Federal Rule of Civil Procedure 25(d), Secretary of the Interior Doug Burgum is
 automatically substituted in this action for his predecessor in office, Debra Haaland.

1 PROJECT, by and through its counsel of record, Jaimie Park, Esq. of Western Watersheds
2 Project, do hereby stipulate and agree as follows:

3 Whereas the only cause of action alleged against former Defendant CLARK COUNTY
4 was dismissed by Order [ECF No. 62] of the Court on or around March 25, 2025;

5 Whereas the Court's Order [ECF No. 62] did not identify what role, if any, CLARK
6 COUNTY would play in the remaining litigation;

7 Whereas Plaintiff's remaining cause of action in this matter involves a matter of public
8 interest which will impact the interests and rights of CLARK COUNTY;

9 Whereas the continued participation of CLARK COUNTY will supplement the efforts
10 of the parties and draw the court's attention to matters of local concern. *Miller-Wohl Co. v.*
11 *Comm'r of Lab. & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982);

12 Whereas neither the Federal Rules of Civil Procedure nor the Local Rules of the United
13 States District Court for the District of Nevada cover amicus curiae procedures for district
14 court actions. *Elias v. Wynn Las Vegas, LLC*, No. 2:23-CV-02111-ART-BNW, 2025 WL
15 489982, at *1 (D. Nev. Feb. 13, 2025).

16 Whereas the district courts have looked to FRAP 29 for guidance when considering
17 amici requests. *See, e.g., Earth Island Inst. v. Nash*, No. 1:19-cv-01420-DAD-SAB, 2019 WL
18 6790682, at *1 (E.D. Cal. Dec. 12, 2019);

19 Whereas FRAP 29 provides that an amicus curiae brief may be filed with leave of the
20 court or if all parties consent. FRAP 29(a)(2);

21 Whereas Federal Defendants do not oppose CLARK COUNTY filing an amicus brief
22 in this matter; and

23 Whereas Plaintiff WESTERN WATERSHEDS PROJECT has consented to CLARK
24 COUNTY filing an amicus brief in this matter on the same briefing schedule as the Federal
25 Defendants.

26 Based on the foregoing, and in the interests of judicial economy, the Parties do hereby
27 consent to the Court permitting CLARK COUNTY to file an amicus brief in this matter
28 according to the same briefing schedule as the Federal Defendants.

1 It is hereby STIPULATED.

2 DATED this 8th day of April, 2025.

3 STEVEN B. WOLFSON
4 DISTRICT ATTORNEY

5 By: /s/ Joel K. Browning
6 JOEL K. BROWNING
7 Deputy District Attorney
8 Nevada Bar No. 14489
9 500 South Grand Central Pkwy., Suite 5075
10 Las Vegas, Nevada 89155-2215
11 *Attorneys for Clark County*

12 ADAM R.F. GUSTFAFSON
13 Acting Assistant Attorney General
14 Environment and Natural Resources Division
15 United States Department of Justice

16 /s/ Devon Lea Flanagan
17 DEVON LEA FLANAGAN
18 D.C. Bar No. 1022195
19 U.S. Department of Justice
20 Environment and Natural Resources
21 Division
22 Wildlife & Marine Resources Section
23 P.O. Box 7611
24 Washington, D.C. 20044-7611
25 Telephone: (202) 305-0201
26 devon.flanagan@usdoj.gov

27 *Attorneys for Defendants Doug Burgum
28 and U.S. Fish and Wildlife Service*

WESTERN WATERSHEDS PROJECT

/s/ Jaimie L. Park
Jaimie L. Park
Western Watersheds Project
P.O. Box 37198
Albuquerque, NM 87110
jaimie@westernwatersheds.org

Paul D. Ruprecht
Western Watersheds Project
P.O. Box 941
Lebanon, OR 97355
paul@westernwatersheds.org

Christopher Mixson (NV Bar#10685)
KEMP JONES, LLP
3800 Howard Hughes Parkway, Suite
1700
Las Vegas, Nevada 89169
c.mixson@kempjones.com
Attorney for service only under LR IA
11-1(b)(2)

Attorneys for Plaintiff

IT IS SO ORDERED this 9th day of April, 2025.


24
25
26
27
28
UNITED STATES MAGISTRATE JUDGE